there were in existence any next of kin or other person who could take by descent the amount recovered. *Held,* the petition was insufficient since there was no allegation that there were in existence beneficiaries entitled under the statute to recover. *Troll* v. *Laclede Gaslight Co.* (Mo.), 169 S. W. 337. See NOTES, p. 376.

DIVORCE—CUSTODY OF CHILDREN—MODIFICATION OF DECREE.—A husband was granted a divorce for the wife's adultery, and the custody of the two children of the marriage was granted to him. After two years the wife married a man in no way connected with her former offense and since that marriage had lived a blameless life. *Held,* the decree will be modified so as to authorize her to visit the children one afternoon in each third month. *Powers* v. *Powers* (App. Div.), 150 N. Y. Supp. 213.

On principle it seems as if the court ought to have power to modify, as the circumstances change, a decree as to the custody of the children, rendered on the divorce of the parents, even in the absence of statute so allowing or reservation in the original decree. See BISHOP, MARRIAGE, DIVORCE AND SEPARATION, 1187. But the contrary appears to have been the rule in New York, based on the ground that the decree was final and the court had no jurisdiction to alter or amend it. *Crimmins* v. *Crimmins,* 28 Hun (N. Y.) 200. But such power is now given in practically every state by statute. A statute giving power to the courts to modify a decree as to the custody of the children is not retroactive. *In re Haworth,* 59 App. Div. 393, 69 N. Y. Supp. 843. And a subsequent modification of the decree can only be made for reasons occurring after the final decree. *Dubois* v. *Dubois,* 96 Ind. 6; *Chandler* v. *Chandler,* 24 Mich. 176. Where the child is in the custody of a stranger it has been held that the mere change of condition of the mother and the proof that she is now a proper person to care for the child will warrant the court to notify a decree so as to give her the custody of the child. *Curtis* v. *Curtis,* 46 Wash. 664, 91 Pac. 188. But as between the parents it is well settled that the welfare of the child is the chief consideration in the modification of such a decree. *Brown* v. *Brown,* 71 Kan. 868, 81 Pac. 199; *Hewitt* v. *Long,* 76 Ill. 399; *Perry* v. *Perry,* 17 Misc. Rep. 28, 39 N. Y. Supp. 863. It has frequently been held that the mere visits of a mother to her child at long intervals after she has reformed is in no way detrimental to the welfare of the child and the reformation on the part of the mother ought to be rewarded by an occasional visit. *Perry* v. *Perry, supra; Breedlove* v. *Breedlove,* 27 Ind. App. 560, 61 N. E. 797; *Powers* v. *Powers, supra.* For the court should not disregard the maternal instinct. *Haley* v. *Haley,* 44 Ark. 429. But where the mother has not reformed and is still leading an adulterous life a decree will not be modified so as to allow her to visit her child. *Woodhouse* v. *Woodhouse,* 89 App. Div. 88, 85 N. Y. Supp. 442.

FEDERAL COURTS—JURISDICTION—REMOVAL OF CAUSES—SEPARABLE CONTROVERSY.—In a suit between citizens of New York, South Carolina, Del-